



September 10, 2018

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**BY FAX AND ECF**

Honorable Laura Taylor Swain  
United States District Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: In re Davis New York Venture Fund Fee Litigation, Master File No. 1:14-cv-4318 (LTS)  
(HBP) (Complex)**

Dear Judge Swain:

We represent defendants Davis Selected Advisors, L.P. and Davis Selected Advisers-NY, Inc. (together, “Defendants”) in the above-referenced matter. We respectfully submit this letter jointly with Plaintiffs to request modification to the pre-trial deadlines set forth in Your Honor’s Pre-Trial Scheduling Order (Dkt. No 78), as amended by Order dated June 8, 2018 (Dkt. No. 109) (collectively, the “Scheduling Order”).

Defendants have filed a Motion for Summary Judgment (Dkt. No. 102) seeking judgment on all claims in this matter. That motion was fully briefed as of July 30, 2018. Under the Scheduling Order, the parties’ Joint Final Trial Report and motions *in limine* are due on September 14, 2018, and the Final Pre-Trial Conference is scheduled to be held October 12, 2018.

Because the Court’s ruling on the Motion for Summary Judgment will inform what (if any) claims and issues remain in this case, that decision will also impact the scope and substance of the Joint Final Trial Report, motions *in limine*, and the Final Pre-Trial Conference (or potentially render them unnecessary). Accordingly, to preserve both judicial and private resources, the parties propose that these deadlines be modified to occur after the Court’s decision on the summary judgment motion. Specifically, the parties propose modifying the outstanding deadlines as follows:

- The parties’ motions *in limine* and Joint Final Trial Report shall be due forty-five (45) days after the Court issues its ruling on Defendants’ Motion for Summary Judgment.
- The Final Pre-Trial Conference shall be held twenty-eight (28) days thereafter, or at a date to be set at the convenience of the Court.

If the Court prefers that the docket reflect a specific date for these purposes, the parties alternatively propose that the motions *in limine* and Joint Final Trial Report be due on the later of January 15, 2019, or forty-five (45) days after the Court issues its ruling on Defendants' Motion for Summary Judgment, and that the Final Pre-Trial Conference be held twenty-eight (28) days thereafter.

The parties submit that, in addition to the reasons identified above, this modification is consistent with the procedure outlined in the Pilot Project for Complex Cases (under which this case has been designated), which contemplates that the Joint Final Trial Report be submitted "no earlier than 28 days following the Court's decision on the summary judgment motions." Pilot Project, § IV.B.3(a).

We appreciate Your Honor's consideration of this matter.

Respectfully submitted,



Stephen G. Topetzes

cc: Counsel of Record (by ECF)